

REMARKS

Claims 21-37 are currently pending. Claim 30 and 37 have been amended to correct their dependency. No new matter is introduced by the amended claims and the claims are fully supported by the instant specification.

1. The Rejections Under 35 U.S.C. §103 Should Be Withdrawn

Claims 21-23 are rejected under 35 U.S.C. § 103 as being unpatentable over Wilson et al., (1996) in view of Van Adelsberg. The Examiner alleges that Wilson teaches the correlation between PKD-1 content and degree of adherence to type 1 collagen and Van Adelsberg teaches peptide inhibitors derived from PKD repeats of polycystin-1. Thus, according to the Examiner, it would have been obvious to one of skill in the art at the time the invention was made to measure adherence of a derivative of polycystin-1 expressing cells to collagen type-1 in the presence of the inhibitory peptides derived from the PKD repeats of polycystin-1 as taught by Van Adelsberg, with a reasonable expectation of success. The Examiner maintains that one of skill in the art at the time the invention was made would have been motivated to make this modification to determine if type 1 collagen is a ligand for polycystin-1.

A finding of obviousness under § 103 requires a determination of the scope and content of the prior art, the level of ordinary skill in the art, the difference between the claimed subject matter and the prior art, and whether the differences are such that the subject matter and the prior art, and whether the differences are such that the subject matter as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made. *Graham v. Deere*, 383 US1 (1996). The relevant inquiry is

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whether the prior art suggests the invention and whether the prior art provides one of ordinary skill in the art with a reasonable expectation of success. *In re O'Farrell*, 853 F.2d 894, (Fed. Cir. 1988).

Applicants respectfully direct the Examiner's attention to the Rule 131 Declaration of Dr. Patricia Wilson attached herewith. As set forth in the Declaration, the cell adhesion assay encompassed by claims 21-23 of the above identified patent application was developed prior to the publication date of van Adelsberg, *i.e.*, April 27, 1999, which is within one year of Applicant's filing date. Thus, van Adelsberg cannot be used by the Examiner as a basis for a §103 rejection.

Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

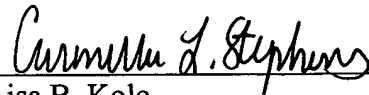
Entry of the foregoing remarks into the file history of the above identified application is respectfully requested. Applicants believe that the invention described and defined by the claims is patentable over the rejections of the Examiner. Withdrawal of all

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rejections and reconsideration of the claims is requested. An early allowance is earnestly sought.

Respectfully submitted,

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